effect that all the shops in that area would be closed down?

Mr. N. MADHAVA RAU.—No such unqualified statement was made. The statement made was that shops would be closed with a view to make it difficult, but not too difficult, for the people to drink.

Mr. H. K. VEERANNA GOWDA.—Have the Government made any enquiries through the Excise Department, as to whether cocoa-palms which are tapped would not be adversely affected in the years to come?

Mr. H. V. RAMASVAMI.—There was no necessity for a special enquiry on those lines.

GOVERNMENT BUSINESS—BILLS.

I. General Principles of the Bill further to amend the Mysore Land Revenue Code.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar) explained the general principles as follows:—

In passing orders on the recommendations of the Committee appointed for suggesting measures for improving the condition of tenants in inam and jodi villages, Government accepted several of the recommendations and stated that necessary changes would be made in the existing law. With a view to implement the orders, it is proposed to amend the Land Revenue Code as hereunder:—

It is proposed to delete Section 236, and amend Sections 237 and 111 so as to enable Government to introduce survey and settlement compulsorily into inam villages. The amendment provides that in so introducing settlement, the interests of the tenants or the jodidars are not affected and that while the tenants get the benefit of the general rules as to the maximum extent of increase permissible over the existing assessment for the village and for the individual fields, the existing income of the inamdars is not reduced.

Sub-clause (*c*) of Section 99 which gives discretion to the inamdar to vary the time at which and instalments in which the land revenue or rent shall be payable is proposed to be deleted so that the system of *khists* prevailing in Government villages may be invariably adhered to.

With a view to enlarge the scope for taking inam villages under Government management as recommended by the Inam Committee, it is proposed to add a new section after Section 119-A to enable Government to assume the management of inam villages at the instance of either the tenants or the inamdars subject to certain conditions. Section 119-A is also proposed to be amended so as to enable Government to take over the management of an inam village on account of the incapacity of the holder to manage the village or for other cause.

In order to secure for *kadim* tenants in alienated villages in a tract affected by adverse seasonal conditions, the benefit of remission in rent similar to that which may be granted by Government in Government villages in the tract under the remission rules, it is proposed to insert a new section as Section 87-A.

At present there is no provision of law under which contribution payable to a holder of an inam village under the terms of the *mutchalika* executed by a raiyat in respect of an irrigation work in the inam village, can be recovered as an arrear of revenue by summary process under the Land Revenue Code. To remove this difficulty which stands in the way of the construction and restoration of irrigation works in *inam* villages, Section 193 is proposed to be suitably amended to provide for recovery by summary processes of contribution due from the atchkatdars.

Section 79 of the Code is proposed to be amended so as to reduce the period of continuous possession or payment of fixed rent on the part of a tenant for raising the presumption of tenancy from 20 to 12 years. A new section is proposed to be added as Section 96-B to empower Deputy Commissioners to decide all questions relating to nature of tenancy.

Mr. K. T. BHASHYAM AIYANGAR, speaking on behalf of the Mysore State Congress Party, said that all the members of the party were in favour of the general principles of the bill and would whole-heartedly support them. For many years past, members of the House had been bringing to the notice of the Government that the condition of the raiyats in inam villages was anything but satisfactory and this was mainly due to the fact that assessment was not being levied by the inamdars on any recognised principles from their tenants. It was with a view to alleviate the sufferings of the tenants in these villages that the members had been pressing on the attention of the Government that survey and settlement should be introduced in the inam villages. The Inam Commission which had been appointed by the Government had also made a similar recommendation. The Government accepted this recommendation of the inam Commission and passed orders on it. With a view to implement their orders, Government had proposed to amend the Land Revenue Code. The most important advantage to be derived by this legislation was the compulsory introduction of survey and settlement in inam and jodi villages. This was a very welcome measure. The proposals to reduce the period of continuous possession or payment of rent on the part of the raiyats in inam and jodi villages to claim kadim tenancy from 20 to 12 years and also to make available for them the benefits of regular instalments, remissions and other facilities which raiyats in Government villages were enjoying, were certainly improvements which commanded the whole-hearted support of the members of his party. All the same, he had certain doubts on one or two points which he wished to place before the Government for consideration. In the first place, it had been stated in the statement of general principles that in introducing settlement it would be so done that the existing income of the inamdar was not reduced. This, he feared, was tantamount to saying that the existing level of taxation, even if it was excessive in some cases, would continue in force for all time to come. If, instead, it had been stated "so that the income of the inamdar was not increased," it would have been better. He was anxious that as a result of the survey and settlement, the burden on the raiyat should never be added to and, if possible, should be reduced. If the Government were prepared to give such an assurance, he would be quite satisfied.

Secondly, it was very desirable that tanks in these villages should be maintained in good condition. To achieve this object, it was necessary that both the inamdars and the tenants should co-operate. For the improvement of tanks, some provision was proposed to be made, and for that he was glad. But the provision was not free from objection from one point of view. The jodidars would be empowered to take *mutchalikas* from the raiyats under the proposed law and also to recover the contribution as an arrear of land revenue by summary process. This, he feared, would mean placing too much power in the hands of the inamdars. Even for the collection of arrears of land revenue proper, an inamdar had to invoke the help of civil courts. Such being the case, the proposal to invest him with summary powers to collect contribution amounts as arrears of land revenue would be going too far in his favour. This was sure to subject the tenants to a lot of hardship. Disputes might arise between the inamdars and the tenants as to the irrigable capacity of the restored tanks and the tenants might not get all the facilities which they might have expected at the time of giving the *mutchalikas*. In fact, some portions of the *atchkat* might be receiving no supply of water at all, whereas the inamdar might contend that all the *atchkat* was well served. If such cases were to be decided by the inamdars themselves, the raiyats might not get full justice at their hands. It was best that such disputes were settled by a civil court. For this reason he would suggest that, as in the case of collection of land revenue arrears, these cases also should be left to be decided by civil courts and not by the inamdars. The Government need have

no apprehension that the inamdars would not restore the tanks at all unless this power was given to them. It was to their own interest to restore the tanks. Thirdly, questions relating to kadim tenancy were matters for civil courts to decide at present, while in future, the Deputy Commissioners would be authorised to decide all such questions. No doubt, this change had been proposed with the best of intentions, *viz.*, to save the tenants the trouble of resorting to civil courts. But he would like to say at the same time that the decision of any executive officer might not be accepted as just by one party or the other; and under the proposed measure, the aggrieved party would have no remedy. Even if it was provided that the aggrieved party might appeal to the Revenue Commissioner against the decision of the Deputy Commissioner or to Government, it would not be sufficient. In the speaker's opinion therefore, appeals to civil courts were very necessary.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) said that the Land Revenue Code itself specified the kinds of cases in which parties could go in appeal before civil courts.

Mr. K. T. BHASHYAM AIYANGAR replied that in all cases not specifically excluded under the Land Revenue Code, parties must be free to seek redress in civil courts. For this purpose he suggested that there should be an express provision to the effect that an appeal would lie to the District Judge against the decision of the Deputy Commissioner.

Subject to the above modifications, he whole-heartedly supported the bill.

Mr. P. SITHARAMAIYA also supported the measure subject to the three modifications suggested by the previous speaker. He added that it was highly desirable that tenants in inam villages should enjoy all the facilities enjoyed by raiyats in Government villages, such as takavi loans, loans on mortgage of lands, etc. With regard to the provision to guarantee the present income to jodidars and inamdars, he stated that there might be cases in which the *suvarnadaya* had been fixed too high and a reduction on account of kharab lands, etc., would have to be effected. The settlement should not be taken up with the pre-conceived object of increasing the kandayam or keeping up the existing rates but with a view to remove the difficulties, if any, under which the tenants in inam villages might be labouring.

Mr. KHAJI SYED YUSUFF pointed out that the object of the bill was said to be to improve the condition of the tenants in inam and jodi villages. At the same time, it had been stated that the existing income of the inamdars would not be reduced. These two statements, he observed, were inconsistent with each other. At present, many inamdars were levying arbitrary sums from the tenants. If the Government agreed that the settlement to be introduced should not reduce the income of the inamdars, it would virtually mean that the Government would be putting their seal of sanction on such arbitrary acts of the inamdars. Instead of that, he suggested that the rates of assessment prevailing in the adjoining Government villages should be introduced in these villages also, and that in no case should the assessment be enhanced. Otherwise, he feared, the object of this wholesome amendment would be altogether frustrated.

As regards tenancy, the bill proposed the reduction of the period for raising the presumption of tenancy from 20 to 12 years. To that extent it was beneficial to the raiyat. He would like to add in this connection that in all cases of doubt or dispute, the burden of proof should be on the inamdar and not on the tenant. He did not support the modification suggested by the previous speakers to the effect that the decision of the Deputy Commissioner on questions relating to the nature of tenancy should be made appealable to the District Judge, for the reason that generally speaking, inamdars had greater chances of success in civil courts than ignorant tenants. He therefore suggested that appeals should be provided for before the Revenue Court and not before civil courts.

As regards contributions for tank works in inam villages, the speaker felt that both the tenants and the inamdars

would be benefited from the tanks, so that the shares to be borne by both should be clearly defined. He also suggested that contributions proposed to be recovered by summary process, should be made recoverable not by the inamdars, but by the Government only. With these remarks, he supported the measure.

Mr. S. P. RAJAGOPALACHARI, speaking on behalf of Government, said that he was glad to find from the trend of the discussion that the general principles of the bill were acceptable to the entire House.

To enquire into conditions in inam villages and to recommend ways and means of improving the relations between inamdars and their tenants, the Government had appointed an Inam Commission, and they had gone into the question in very great detail and submitted a report to the Government. After a careful consideration of those recommendations, the Government had passed orders on them and it was with a view to implement those orders that they had proposed the amendments now before the House. He did not think that there was any need for a detailed discussion of the amendments as they had already been discussed by the committee which consisted not merely of Government officers, but also of inamdars as well as representatives of tenants. Besides, it would be noted that in proposing these amendments, the Government had gone as far as they could in the direction of providing all reasonable facilities to the raiyats in inam villages.

Continuing, he said that the discussion that had so far taken place in the House was confined to only two or three points and he would take this opportunity of explaining to the House the attitude of Government in respect of them. With regard to the nature of tenancy, Government had proposed to introduce a new section 96-B with a view to settle disputes arising at the time of introduction of compulsory settlement. For example, a tenant might contend that he was a kadim tenant but the inamdar might refute it. The Inam Commission had recommended that the settlement officers themselves should not decide such questions but should make a list of all such cases and send it up to the Deputy Commissioner for decision. This recommendation had been accepted by the Government. It might be asked why this particular procedure had been recommended by the said Committee at all. That was because, under Section 92 of the Land Revenue Code, even at present the Deputy Commissioner was empowered to decide disputes on various questions between inamdars and tenants. So it was thought desirable that disputes arising at the time of settlement were likewise decided by the Deputy Commissioner. There was nothing new or radical in this procedure.

Referring to the point raised by Mr. Bhashyam Aiyangar that appeals against decisions of the Deputy Commissioners in matters relating to the nature of tenancy should lie to civil courts and not to higher executive officers of Government, the speaker invited attention to Section 96, under which any aggrieved party would be at perfect liberty to go to the highest court in appeal.

Mr. K. T. BHASHYAM AIYANGAR said that he was not quite sure that appeals regarding kadim tenancy could be taken to the High Court.

Mr. S. P. RAJAGOPALACHARI stated that all that Section 96 (2) contained was that:

> "An appeal shall lie to the High Court from all decisions passed by the Deputy Commissioner under Sections 88, 92 and 93 and from all orders passed in execution of such decisions, etc."

If however there was any doubt on this particular point, he would consider whether such appeals also could not be brought within the purview of this section.

Mr. K. T. BHASHYAM AIYANGAR said that in that case he would have absolutely no objection.

Continuing, **Mr. S. P. RAJAGOPALACHARI** said that the object of introducing settlement in inam villages was to remove the uncertainty existing at present about the assessment. At the same time, he would like to add that it was not intended that, as a result of the settlement, the inamdars should be made to lose though there was nothing

to prevent lower rates being fixed in particular cases of hardship. So far as the tenants themselves were concerned, there was the assurance that the maximum rates prevailing in inam villages would not exceed those in the surrounding Government villages. Thus, there was reason for both sides to feel satisfied.

Mr. K. T. BHASHYAM AIYANGAR thought that it was an equitable arrangement.

As regards the question of contribution, **Mr. S. P. RAJAGOPALACHARI** said that the practical difficulties referred to by one or two previous speakers were not peculiar to inam villages only. They were being experienced in Government villages also. There was no doubt that tanks in inam villages also required to be restored. For carrying out the works, the inamdars would get *mutchalikas* from their tenants about payment of contribution. But if the tenants failed to act up to the terms of the *mutchalikas*, what was the remedy? Even the decisions of the High Court in respect of this matter had left room for some doubt. The principle enunciated by the Inam Commission was that as the inam villages would get the benefits open to Government villages, they should also be guided by rules similar to those in operation in Government villages. What was the practice in Government villages so far as the recovery of contribution was concerned? The practice was that it was being recovered as an arrear of land revenue. The same procedure was proposed to be adopted in inam villages also. It would not be fair for the raiyats in inam villages to say that they should have only the advantages enjoyed by the raiyats in Government villages but none of the disadvantages they laboured under. It was therefore proposed to suitably modify Section 193 in this behalf. Even then, of course, the power of collecting by summary process would be given only to those inamdars to whom commissions had been granted and not to all.

In conclusion, **Mr. S. P. RAJAGOPALACHARI** assured the House that all these and other connected questions would naturally be examined thoroughly before the bill was placed before the Legislative Council.

Mr. B. L. BYANNA brought to notice that in some villages the inamdars were levying assessment even on gomal lands and that if the present income of the inamdars was to be assured to them, even cases of such hardship would be perpetuated.

Mr. S. P. RAJAGOPALACHARI replied that all such questions would be examined afresh at the time of survey and settlement. Assessment would be levied only on lands recognised as assessable.

Mr. Rayara KEMPANNA said that the prosperity of the raiyat depended upon the prosperity of his cattle. In Government villages, one acre of gomal was left open for every 30 head of cattle, but in inam villages even such land was being fully assessed from the tenants who were voiceless. He hoped that in future at least sufficient extent of gomal land would be allowed in every case on the basis of the total number of cattle in the village.

Mr. S. P. RAJAGOPALACHARI observed that these were matters of detail which could be discussed separately.

Mr. K. M. KRISHNAPPA GOWDA enquired as to who would bear the expenses connected with the survey and settlement.

Mr. S. P. RAJAGOPALACHARI replied that all expenses would be met by the Government except the usual charges for holding the flags, etc.

Mr. K. M. KRISHNAPPA GOWDA said that though the general principles of the bill under discussion seemed to be very good in themselves, if copies of the bill had been made available to the members, they would have been able to understand them better.

Mr. S. P. RAJAGOPALACHARI replied that as discussion had taken place on previous occasions on all the points in respect of which amendments had now been proposed and as the bill was intended to implement the orders already passed by Government, it was not considered necessary to make copies of the bill available to the members.

Mr. K. T. BHASHYAM AIYANGAR requested that in future, copies of at least the more important bills might be furnished to the members along with the statements of general principles.

Mr. S. P. RAJAGOPALACHARI observed that, as far as possible, Government were doing so. But there was some difficulty in laying it down as the inviolable rule. For any alterations suggested by the House would have to be made in the bills before these were placed before the Legislative Council. But wherever possible, Government were prepared to furnish copies of the bills to the members, and had in fact done so in respect of some bills even during the present session.

Mr. Y. V. MUNISWAMI IYER was strongly of opinion that none of the amendments suggested by the previous members should be adopted. Even in the matter of the collection of arrears of contribution, he felt that the cases ought not to be taken in appeal, at any rate before the civil courts. By doing so, he said, the inamdars would never be able to collect all their dues. The cases must be decided by the Deputy Commissioner, and if need be, appeals against the decisions of the Deputy Commissioner might lie to the Revenue Commissioner. He felt that the bill as proposed was all right and might be accepted by the House unanimously.

Mr. K. M. KRISHNAPPA GOWDA suggested that in the measure under discussion, provision should be made for making it incumbent on the inamdar to allot sufficient gomal lands for the cattle in the village and to levy kandayam at the same rates as in the surrounding Government villages. As regards the tenants' contribution towards the cost of tank restoration, he was not in favour of the inamdars being empowered to collect the dues as an arrear of land revenue by the summary process. Before the restoration of any tank, there would be a preliminary survey to find out how many acres could be cultivated after the restoration of the tank. Subsequently, after the execution of the work it might be found that water could not be supplied to the entire *atchkat*. Even in such cases, if the inamdar was empowered to do so, he would insist upon the payment agreed to by the tenants in their *mutchalikas* irrespective of the quantity of water supplied or the area served.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) said that in all such cases, the procedure that was at present being followed in Government villages would be enforced in the inam villages also.

Rao Sahib M. RAMASWAMI said that all the previous speakers had spoken only from the point of view of difficulties of the tenants and not one of them had voiced the difficulties of the inamdars. As an inamdar himself, he would like to say that the inamdars were in great difficulties. In some instances where the number of vrittidars was large, not a pie had been collected by the inamdars, for several years past. In some cases, the inamdars did not even know where their lands were, and the few that tried to know things were afraid to get into them, because of the menacing attitude of the tenants. He would therefore request the Government that in settling the rates, Government should not start with the presumption that the inamdars were levying higher rates of assessment than were reasonable. And if, in any case, the Government found that the assessment at present levied by the inamdars was less than what it ought to be, nothing should prevent the settlement officers from enhancing the rates.

Mr. S. P. RAJAGOPALACHARI, at this stage, read out the following extract from the Government Order with a view to set at rest the doubts that seemed to prevail concerning this question:

"As regards the survey rates, the Committee's recommendation is to the effect that the existing income of the inamdar should not be reduced so far as this can be secured without exceeding the maximum rates applicable to the locality."

Mr. K. T. BHASHYAM AIYANGAR said that in view of this express intention, there need be no objection to the proposed bill.

The general principles of the bill were then put and passed unanimously.

II. General Principles of the Bill to amend the Village Panchayat Act.

The SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. P. H. Krishna Rao) explained the general principles of the bill as follows :—

At present there is no provision in the Village Panchayat Act for extension of the period of supersession of village panchayats. It is, therefore, considered necessary to add a clause under Section 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. This provision is similar to the one contained in Section 42 (4) of the Mysore Minor Municipalities Act, 1933. The proposed bill is intended to make the necessary provision in this behalf.

Mr. T. MADIAH GOWDA, speaking on behalf of the Mysore State Congress Party, opposed the bill. He said that the main reason for introducing the proposed amendment according to the mover's statement was, that in the Minor Municipalities Act there was a similar provision for extending the period of supersessions of the municipalities, whenever necessary. The introduction of such a provision in the Minor Municipalities Act itself was a mistake, and it was not desirable to extend that principle to the village panchayats also. According to the principles of local self-government, Government should not curtail the powers of local self-governing bodies or appropriate for themselves any of the powers meant to be exercised by such bodies. On the other hand, they should give fuller scope for extending their activities. Government could have introduced this provision in the Village Panchayat Act even when it was placed on the Statute Book, if only they had a mind to do so; but they had not done so because they thought that such a drastic provision was unnecessary in the case of these small self-governing institutions. Even now the reasons adduced in favour of adopting the proposed amendment were not convincing. According to the rules in force at present, it was the Deputy Commissioner who could order the supersession of the village panchayats and Government had nothing to do with it. The Deputy Commissioner could, in the case of each supersession, get another body constituted and give it a chance of showing better work. If that body also did not work, that might also be superseded. It could not be said that suitable members were not available in the villages for being selected as members of the panchayat. This procedure would always be better than the Government extending one and the same order of supersession.

Another thing to be borne in mind in this connection was that whereas in the minor municipalities, most of the members would be elected, in the case of the village panchayats nearly a half of the members would be nominated; and generally either the patel or the shanbhog would be nominated as chairman. Neither of these would act against the instructions of the Government officers. In these days when the democratic spirit was gaining a stronger hold over the people, it would be too much for the Government to expect that anybody would support amendments like the one before the House. Even on the merits of the case, the speaker did not see why the Government should have power to extend the period of supersession. There had not been many instances in the past of panchayats having been superseded. In future also such occasions would be few and far between, so that the necessity for extending the period of such order would be very rare indeed. Besides, amendments like this were not going to improve the working of local self-governing institutions, especially because there was no provision for appeals against orders extending the period of supersession. Trust begot trust, and the greater the restrictions imposed on the people, the greater would be the distrust of the people towards the Government. In this view, the member requested the Government to withdraw the bill.

Mr. L. VEMA REDDY, in supporting the measure, said that he did not agree with the views expressed by the previous speaker. For improving the

working of the village panchayats, this amendment was necessary. Due to party factions in the villages, the work of the panchayats was not going on smoothly and satisfactorily. Government should not allow factions to develop in the villages and thereby make the entire village suffer. Few people doubted the benevolent intentions of the Government. And if, despite such intentions, the Government considered that power to extend the period of supersession was called for, it must be for very good reasons and in the best interests of the panchayats themselves. If, in any case, the period of supersession was expiring and the state of affairs in the village had not improved, he did not see any reason why the Government should not pass an order extending the period of supersession. There were instances, even in recent times, in which entire administrations were being superseded for particular periods without calamitous results following. Such being the case, he thought that no serious consequences would result from the Government taking power to extend the period of supersession of these small bodies. For these reasons, he supported the bill and hoped that every member of the House who had the welfare of the villages at heart would do likewise.

Mr. B. L. BYANNA, in further supporting the measure, expressed some surprise that anybody should have spoken in opposition to it. As every one was aware, collection work in the panchayats had fallen into heavy arrear and only recently the responsibility of making collections was transferred to the revenue authorities. The proposal to transfer that responsibility to the revenue authorities would not have been supported by anybody if the panchayats were capable of managing their own affairs fully. The amendment before the House had been proposed for very good reasons and no one need oppose it on imaginary grounds. Occasions might arise in the villages when, due to party factions, dead-locks might be created. Certainly the Government could not be expected to keep quiet on such occasions. They would have to see to it that the work which the panchayats were expected to transact was somehow carried on and for this purpose, the amendment proposed was necessary. It was not advisable to oppose the bill on mere grounds of prestige. He would appeal to the House to support the bill.

Mr. Y. V. MUNISWAMI IYER said that with a view to improving the condition of the villages, the proposed amendment should be passed without delay.

Mr. H. K. MADIAH said that as this amendment would promote the best interests of the village panchayats, it deserved the support of the entire House.

Speaking for the Government, **the SECOND MEMBER (Rajamantrapravina N. Madhava Rau)** said that there seemed to be some misapprehension on the part of some members about the object of the bill. So far as he could see, there was no dispute as to the necessity for improving the administration of village panchayats nor as to the possibility of situations arising in which the provision already existing in the Act empowering the Deputy Commissioner to supersede the village panchayats, might have to be availed of. Whenever village panchayats showed themselves incapable of discharging the duties expected of them, it was necessary that they should be superseded. That principle had already been accepted and this was why no provision in this behalf had been inserted in the Act. What was proposed in the amendment now before the House was that if in any case it was found that the period of supersession should continue for a longer period than originally notified, the Government should have power to pass an order to that effect. This was a very small and simple amendment. It was also not a novel provision. A similar provision existed in the Minor Municipalities Act. For want of such a provision in the Village Panchayat Act, some difficulty was being experienced at present. At the time of ordering the supersession of any panchayat in the first instance, the Deputy Commissioner had to fix the period of

such supersession. It might be that at the end of such period it was found necessary to extend it, but no such order could be passed as the law stood. For this reason, sometimes, Deputy Commissioners were once for all fixing long periods because further extensions on subsequent occasions were not provided for. This, he thought, might be unduly hard on the panchayats and perhaps not in the best interests of the village panchayats themselves. If the proposed amendment was made, it would enable the Deputy Commissioner to order the suspension for a short period in the first instance and, if necessary, extend it subsequently. If the House thought that there should be no power to extend the period at all, the danger to the village panchayats was that a much longer period than was necessary might be fixed in the first instance itself, which was certainly not desirable.

The provisions of the Village Panchayat Act were based on those of the Minor Municipalities Act, but somehow this particular clause had been omitted when the Village Panchayat Act was passed. The amendment under reference merely sought to supply that omission. A study of the sub-sections would convince the members that there would be sufficient safeguards provided under the proposed section such as appeals to the Government from the orders passed by the Revenue Commissioner. The amendment was merely calculated to enable the Government to have a flexible arrangement to be enforced in times of absolute necessity. There was no idea at all of needlessly tightening the hold of Government over local self-government institutions. It was a simple, formal amendment and he hoped that the House would extend its support to it.

Mr. T. MARIYAPPA enquired whether there had been any number of instances in which the Government had actually found it necessary to extend the period of supersession.

Mr. N. MADHAVA RAU said that since the hands of the Government were tied, and the rules did not provide for extending the period of supersession, unnecessarily long periods were being fixed at the very outset. But if the amendment was passed, short periods would be stipulated in the first instance and at the end thereof either the order of supersession would be rescinded or the period extended according to the circumstances of each case.

Mr. T. MARIYAPPA thought that the existing provision was suitable enough. He could not forget the instance of the Channapatna Municipality in which the period of supersession was extended almost indefinitely in spite of representations to the contrary. He feared that the case would be similar with village panchayats also if the amendment was passed.

Mr. N. MADHAVA RAU said that it all depended upon the circumstances of each case. Factions in the villages might either die out within a short time or continue for long periods. So the Government must have the discretion to extend the period of supersession if necessary and to rescind the order if a panchayat which was once superseded learnt a lesson and came forward with earnest promises of better work in future. In such a case, there would be no object in denying such an opportunity to the panchayat. In this view, it would be in the interests of the panchayats themselves to pass the amendment. And after all, this was an amendment which already existed in other similar Acts in force in the State.

Mr. B. N. BORANNA GOWDA said that those who had spoken in favour of the bill had not made out a good case for it. Deputy Commissioners already had powers to supersede village panchayats whenever necessary, and there was no necessity for the Government to take power to extend the period of supersession once fixed. After all, it was the patels or shanbhogs of the concerned villages who would be nominated as chairmen of the panchayats, and if the collections were unsatisfactory, the authorities could take needful action against them and the other revenue officials, and see that they did the work better. There was thus no need at all even for superseding the panchayats in the first instance. Much less

was there any need to extend the period of supersession from time to time. He wondered why such a retrograde amendment was proposed. Very likely, some of the panchayats might have refused to contribute funds to unnecessary items such as Red Cross Society, etc., and for such reasons the Government might have thought of superseding them or extending the period of their supersession. The member therefore thought that he must oppose the measure.

Mr. S. RAMAPPA thought that supersession in the first instance was itself sufficient to make them realise their responsibilities and it would mean undue hardship if the period of supersession was extended again. He would give the panchayats an opportunity to do better after a period of supersession and if it so happened in any case that their work was again found to be unsatisfactory, they might be superseded again. Normally, however, the Government need not proceed on the assumption that the panchayats which were once found to be unsatisfactory would for ever remain so. Generally speaking, the good work or bad work of any panchayat would depend on the kind of person who happened to be its chairman, and if therefore proper selections were made, there would be no occasion to find fault with the panchayats at all. Even if such occasions arose, he thought that the powers which the Deputy Commissioners had, were quite sufficient to meet the needs of the situation. For this reason, he was also opposed to the measure.

Mr. S. C. MALLIAH, in supporting the bill, said that the amendment proposed would serve the best interests of the village panchayats. For want of such a clause, the Deputy Commissioners were at present arbitrarily fixing inordinately long periods at the very outset. If anybody contended that there should be no power of supersession at all even in the first instance, he would sympathise with such an argument. But having conceded such a power to the Deputy Commissioners, there would be little meaning in saying that the Government should not have power to extend the period of supersession. If the House could not trust Government with the power to extend the period of supersession, how could they trust the Deputy Commissioner with the power to make the original order itself? After all, it should be remembered that Government would not indiscriminately dispossess the panchayats of their powers and they would interfere only in extreme cases. Everywhere the cry now-a-days was that the villages should be improved, and he felt that the amendment was conceived in the best interests of the villages themselves. For these reasons, he had pleasure in supporting it.

Messrs. D. VENKATARAMANAPPA and S. VENKATASWAMI GOWDA further supported the measure, while Messrs. RAME GOWDA, B. P. BASAPPA SETTY and Rayara KEMPANNA opposed it.

At this stage, the House adjourned for lunch and reassembled at 3-45 p.m.

Reference to the Demise of Mr. S. Shamanna.

Mr. PRESIDENT.—It is my melancholy duty to inform the House that news has just been received of the death of Mr. S. Shamanna, Financial Secretary, at Madras last night after a brief illness. Those of you who knew Mr. Shamanna will agree that the State has suffered a grievous loss by his untimely death.

Mr. Shamanna was a man of keen intellect, a very able financier, and an officer of rare integrity and independence. The passing of such an officer cannot but create a void in the life of our State which will not be easy to fill. As a mark of respect to his memory, I ask you all to stand for a minute.

Mr. K. T. BHASHYAM AIYANGAR.—Mr. President, it is with very great regret and sorrow that we have heard the news which you have just conveyed to us. Those of us who had come in contact with Mr. Shamanna feel the loss much too deeply to be able to express our views adequately. We looked upon him as a friend and as a

personal guide for many of us. His simplicity, his easy accessibility, his affability, his straightforwardness and, more than every thing else, his absolute frankness and independence endeared him to us all a great deal. Even when he came on the dais here to oppose us and adduced almost irresistible arguments, we always felt that he was putting forward those arguments in a spirit of friendly understanding and not as a matter of smashing an opponent. He carried all of us with him whenever he put forward his views; and though on certain occasions we might not have felt convinced, still we could not resist the feeling that here was a true, honest, honourable man putting forward his views without any reservations.

Sir, you have spoken of his independence. I have also heard a great deal about it; and the more we have heard of his independence of spirit the more we have admired him. It is very rarely that we come across officers who can definitely say 'No' to the Executive when it becomes necessary to do so. He had the grit to say so. And on many occasions I know he has been able to steer through critical times with great ability

Sir, we feel the loss a great deal and to me it is a great personal loss because he always had a great deal of affection for me; and I cannot forget for a very very long time his kindness and regard towards me.

On behalf of the Party, I wish to convey through you to the members of the bereaved family our sincere condolences. May his soul rest in peace!

May I, if I may be permitted to do so, Mr. President, make an humble suggestion that you be pleased, in memory of the late Mr. Shamanna, to adjourn the House this afternoon?

Mr. S. C. MALLIAH (speaking in Kannada).—Sir, words fail me to express our sorrow at the news of the death of Mr. Shamanna. For many years in the Representative Assembly and for some years in the Legislative Council, I sat with him and had the privilege of working with him. His simplicity and frankness were like those of a child. In financial matters, his attainments were of a very high order. At a time like the present, we needed him all the more than in the past. We had all hoped to enjoy the benefit of his valuable services to the State for many more years. But his work was more than he could physically bear. All that we can now do is to pray that his soul may rest in peace, and that God may vouchsafe to the members of his family sufficient fortitude to bear the shock they have received.

Mr. Nawab SHER KHAN of Honnali.—Sir, on behalf of the Muslim members of this House, I beg to associate myself with the sentiments expressed by the previous speakers on the death of our Financial Secretary Mr. Shamanna. He was a great asset to the State. As a financier, he was a very able and skilful officer. He was responsible for getting many Budgets prepared, that too surplus budgets, and for restoring the equilibrium and soundness of the finances of the State. In his death, the State and the Assembly have lost a very good friend and guide and also a very good officer who had rendered valuable services to the country.

I therefore beg to express on behalf of the Muslim members our deep sorrow for his demise and beg of the President to convey our sincere condolences to the bereaved family.

Rao Sahib M. RAMASWAMY (speaking in Kannada).—Sir, our grief knows no bounds. At a time when the finances of the State were far from satisfactory, the Government appointed him as the Financial Secretary. Thanks to his keen intellect and ability, and your able guidance, he helped our State to recover its former position. Formerly, we were having Bengali experts in our service as Financial Secretaries. You were good enough to elevate a Mysorean in Mr. Shamanna to that onerous position and he exhibited both intelligence and efficiency in his work and gave satisfaction not only to the Government but to the members of the two Constitutional Houses and became entitled to the special title of *Rajakaryanipuna*

which was recently conferred on him by His Highness the Maharaja. We had all hoped that he would live long and continue to render valuable services to the State. But God has willed otherwise.

We feel very sorry for Mr. Shamanna's death and request you, Sir, to convey to the members of his family our sincere condolences.

Mr. Y. V. MUNISWAMI IYER.—Sir, as a mark of respect to the deceased gentleman, the House may be adjourned till to-morrow, as suggested by Mr. Bhashyam Aiyangar and others.

Mr. S. C. BELURIAH.—I support the suggestion.

Mr. T. L. GANGOJI RAO SALANKEY associated himself with the sentiments expressed by the previous speakers and requested that the House be adjourned as a mark of respect to the memory of the departed soul.

Mr. D. VENKATARAMANAPPA referred to the simplicity and straightforwardness of Mr. Shamanna and particularly appreciated the very satisfactory reasons which he had always advanced whenever he spoke in the Assembly for or against any question under discussion. All sections of the House felt for the demise of such an able and sympathetic officer. The member was of opinion that the State was very unfortunate in losing the services of such an able officer. He also joined in requesting the President to adjourn the House for the day in memory of the deceased.

Mr. PRESIDENT.—In accordance with the desire of the members, I adjourn the House till 12 NOON to-morrow.

The House adjourned at 4 p.m. to meet again at 12 of the clock on the following day (Thursday, 29th September 1938).

SECOND DAY.

Thursday, 29th September 1938.

The House reassembled at the Jagan Mohan Palace Pavilion on Thursday, 29th September 1938, at 12 of the clock, Mr. President (*Amin-ul-Mulk* Sir Mirza M. Ismail, K.C.I.E., O.B.E., Dewan) in the Chair.

Before the business of the day was taken up, **Mr. K. T. BHASHYAM AIYANGAR** brought to notice that at the request of the Congress Party a separate block had been allotted in the House to the members of the party at the last session and a promise had also been made to continue the same arrangement during the current session also. But since certain non-Congress members had taken their seats in the block, he requested that separate seating arrangements be made for the Congress Party which was composed of 131 members.

The PRESIDENT replied that there was no objection to allotting a separate block for the Congress Party as requested and that arrangements would accordingly be made by the Secretary during lunch time the same day.

QUESTIONS AND ANSWERS—*contd.*

Committee on Primary Education.

Q.—3. **Messrs. B. CHOODE GOWDA** and **M. B. GURULINGIAH** (Closepet Taluk); **T. THIMMARAYAPPA** and **Patel HONNASIDDAIYA** (Magadi Taluk); **T. MADIAH GOWDA** and **M. SIDDE GOWDA** (Channapatna Taluk); **C. N. NARASINGA RAO** (Bangalore City Municipality); **K. NARAYANA SETTY** (Magadi Municipality); **S. KARIAPPA** and **GURUKAR VENKATARAMANE GOWDA** (Kankanhalli Taluk); **A. M. VENKATASAMIAH** (Closepet Municipality); **N. APPANNA REDDY** (Bangalore Taluk); **A. HANUMANTHARAYAPPA** (Devanhalli Taluk); **H. S. SURYANARAYANA RAO, K. T. BHASHYAM AIYANGAR, B. M. MUNISWAMAPPA** and **V. VENKATESAIYA** (Special Interests); **Patel HANUME GOWDA**